1948. File No. O/BCYTRO/48

Legal Deptt. 31

G BRANCH

Subject:— Opinions under the Cases fall under the Bom. Cloth Yarn Trade Regulation order 1946

1948

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C O N T E N T S.

Legal Department File No. O/BCYTRC/45.

Sr.No	K.I./G.No.	Subject	Pages
		Opinions under the Bombay Cloth Yarn Trade Regulation Order 1946	
1.	1792 21-2-1945	Whether a few instances of sale of Yarn or Cloth by a non-dealer, amount to 'business' and such persons can be prosecuted for the contravention of the order.	1-2

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Office of the R.L.A.

R.L.A.'s advice is sought on the following two questions:-

1) whether the view expressed by the District Magistrate, Dharwar that a few instances of sale of yarn or cloth by a non-dealer, do not amount to 'business' and such persons cannot be prosecuted for contravention of the Bombay Cotton Yarn Trade Regulation Order, 1946 or the Bombay Cotton Cloth Trade Regulation Order, 1945 as the case may be, but only persons who have made such sales their habitual occupation ~~occupation~~ can be prosecuted, is correct:

2) if so, whether the amendment suggested by the District Magistrate, viz the substitution of the word 'person' for the word 'dealer' in clause 3 of both the orders, will solve the difficulty.

Question No. 1. The view expressed by the District Magistrate, Dharwar is correct. Please see R.L.S.'s opinion No. 1288 dated 6th February 1948 regarding the interpretation of the term 'dealer' as defined in clause 2(b) of the Bombay Cotton Cloth Trade Regulation Order, 1945. The definition in clause 2(b) of the Bombay Cotton Yarn Trade Regulation Order, 1946, is similarly worded and the above opinion would apply in respect of that Order also.

Question No. 2. The Bombay Cotton Cloth Trade Regulation Order, 1945 has since been cancelled and no question of its amendment now subsists . No doubt the object in view can be achieved by carrying out the amendment as suggested by the District Magistrate in clause 3 of the Bombay Cotton Yarn Trade Regulation Order, 1946 but Civil Arm Supplies Department may consider whether they desire to widen the scope of the order to this extent. The scope of the order viz the Bombay Cotton Yarn Trade Regulation Order indicates the scope

of the order . Under this order, the yarn trade is regulated by issuing licences to the traders or dealers in yarn. A licence is granted for carrying on the business in yarn. It is not the intention to grant licences for sporadic sales. The proposed amendment seems therefore to be beyond the scope of this order.

Sd/-P.N.Lad
20-2

O.C. Remembrancer of Legal Affairs.

U.O. to C.S.D.No. 1792. dated the 21-2-1948.

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